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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,399

01/12/2006

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PD030079

1503

24498

7590

08/27/2008

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EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,399	Applicant(s) JANSSEN ET AL.	
	Examiner Sana Al-Hashemi	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is issued in response to election of claims 1-8 filed 5/23/08.

Claims 1-8 are pending. Claims 9- 12 were withdrawn. No Claims were added. None were canceled.

Election/Restrictions

Claims 9-12 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/23/08.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-6 rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Regarding claims 5-6 the phrase "ECC" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Applicant is required to spell the phrase and not use acronyms. Corrections is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 USC 102(e) as being anticipated by Millikan et al

(Millikan hereinafter) US Patent Application Publication 2003/0172079 filed Sep. 27, 2002.

Regarding Claim 1, Millikan discloses a method for modifying a database file organized in segments and stored on a storage medium of limited rewritability, the method comprising the steps of:

reserving, within the database file, at least one area of predetermined size and position dedicated to writing thereto data records of at least one type, respectively (Fig. 4, 90, Millikan);

indicating within the database file, as a last written segment that segment within the area to which data records were last written (Fig. 4, 92, Millikan);

writing a specific data record of a specific type that is to be written to the database, into the next available segment or segments after the last written segment within the area dedicated to the specific type (Paragraph 29, page 3, lines 4-10, Millikan);

continuing, whenever during the writing the end of the area has been reached, the writing at the first available segment of the area (Paragraph 42, wherein the method of assigning a value to each metadata corresponds to the claimed limitation, Millikan).

Regarding Claim 2, Millikan discloses a method used for modifying a data record of a specific type in the database file wherein the database file contains an area dedicated to the specific type, and the method additionally comprises the steps of:

reading, from the area, the data record (Paragraph 43, left column lines 11-14, Millikan);

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modifying the read data record (Paragraph 43, left column lines 14-18, Millikan);

obtaining a first write address information indicating a segment within the area to which a data record of the specific type was last written (Paragraph 43, left column lines 18-20, Millikan);

forwarding, as part of ensuring distributed write, the first write address information so that it indicates a next segment within the area which contains unused space (Paragraph 44, Millikan);

writing the modified data record to segments starting at the segment as indicated by the first write address information (Paragraph 45, wherein the user can select one of the sorting criteria correspond to the modification, Millikan).

Regarding Claim 3, Millikan discloses a method wherein the data record is a payload data record, the specific type is a "payload" type, the area is a payload area, the database file additionally has a control area and wherein the method additionally comprises the steps of:

in case that an address information about the payload data record is contained in a control block within the control area, reading, from the control area, the control block (Paragraph 44, Millikan);

updating the address information in the control block to reflect the first write address (Paragraph 45, Millikan);

obtaining a second write address information indicating the segment within the control area to which a control block was last written; forwarding, as part of ensuring distributed write, the second write address information so that it indicates a next segment within the control area

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which contains unused space; writing the updated control block to the segment as indicated by the second write address information (Paragraph 39, Millikan).

Regarding Claim 4, Millikan discloses a method used for deleting a payload data record from the database file, wherein the database file contains a control area, and the method additionally comprises the steps of:

reading, from the control area, control blocks containing information associated to the payload data record to be deleted (Paragraph 43, Millikan);

marking, in the read control blocks, the payload data record to be deleted as deleted, thereby obtaining a modified control block (Paragraph 30, Millikan);

obtaining a write address information indicating the segment within the control area to which a control block was last written; forwarding, as part of ensuring distributed write, the write address information so that it indicates a next segment within the control area which contains unused space; writing the modified control block to the segment as indicated by the forwarded write address information (Fig. 4, Paragraph 34, Millikan).

Regarding Claim 5, Millikan discloses a method wherein the size of the segments corresponds to an integer multiple of the size of sectors or ECC blocks as defined in a physical format on the storage medium (Paragraphs 9, and 13, Millikan).

Regarding Claim 6, Millikan discloses a method wherein the segments are allocated on the storage medium to be sector or ECC block aligned (Fig. 4, 86, Millikan).

Regarding Claim 7, Millikan discloses a method wherein the indicating is realized by attaching to a data record to be written a version count value which is incremented and taken

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modulo a predefined upper bound upon each writing, the version count getting written to the database file as part of the data record being written thereto (Paragraph 46, Millikan).

Regarding Claim 8, Millikan discloses a method wherein the size of the at least one area is chosen such that the average wear of the segments is equal (Paragraph 40, Millikan).

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Sana Al-Hashemi/

Primary Examiner, Art Unit 2164